

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

EXHIBIT

3

ROSEMARIE E. WADDY,

Plaintiff,

vs.

Cause No.

HIGHLAND VENTURES, LTD
D/B/A FAMILY VIDEO,

SERVE:

Mitchell D. Weinstein
30 S Wacker Dr., Ste 2600
Chicago, IL 60606

And

KEITH HOOGLAND
LIMITED PARTNERSHIP,

SERVE:

CT Corporation System
120 S Central Ave
Clayton, MO 63105

Defendants.

PETITION

COMES NOW, Plaintiff, Rosemarie Waddy, by and through her attorneys Justin C. Wilson, Logan T. Bergman, and Brown & Crouppen, P.C., and for her claim and cause of action against Defendants Highland Ventures, Ltd (hereinafter "Highland Ventures") and Keith Hoogland Limited Partnership (hereinafter "Hoogland") states as follows:

COUNT I - NEGLIGENCE

1. Plaintiff is, and at all times mentioned herein, was a resident of St. Louis, Missouri.
2. Defendant Highland Ventures is a foreign corporation registered to do business in Missouri and, at all times relevant to this cause of action, doing business in the City of St. Louis.

3. Defendant Hoogland is a foreign Limited Partnership organized under the laws of Illinois and registered to do business in Missouri.

4. At all times material hereto, Defendant Hoogland owned property located in St. Louis City, Missouri, at 6404 Gravois Avenue, St. Louis, Missouri 63116, and exercised control over the property.

5. At all times material hereto, Defendant Highland Ventures was operating a Family Video store at the property where this claim arises, which is located in the City of St. Louis, Missouri, and exercised control over the property.

6. Jurisdiction is proper because both Defendants availed themselves of the privileges of conducting business in the State and thereby subjected themselves to the laws of the State; venue is proper as the facts giving rise to this cause of action occurred in the City of St. Louis, State of Missouri.

7. On January 20, 2019, and prior thereto a dangerous condition developed and existed in the parking lot of the aforesaid property; to wit, there was an unnatural accumulation of snow and ice on the parking lot which created slippery dangerous conditions for invitees; additionally, there was cracked, broken, and uneven concrete and asphalt in the parking lot, which was covered/hidden/masked/concealed by the snow and ice, thereby creating an unknown and unforeseeable dangerous condition which created a tripping hazard and of which Plaintiff was unaware.

8. Defendants failed to place any warnings, notices, cones, barricades, or any other sign or object to alert individuals of the known hidden danger on their property.

9. On or about January 20, 2019, Plaintiff was crossing the parking lot of the Family Video store when she tripped and fell due to the accumulation of snow and ice and the dangerous

uneven concrete underneath, which caused her foot to become stuck/lodged/pinned in the uneven concrete.

10. At all times material hereto, Defendants were in control and possession of the parking lot and had a duty to maintain the property and warn of concealed dangers. Defendants knew, or in the exercise of reasonable care should have known, of the dangerous conditions present on the parking lot, the unreasonable risk of harm these dangers posed, and could have made the conditions safe but failed or refused to do so.

11. The failure to repair the cracked, broken, and uneven parking surface; the failure to remove unnatural accumulation of snow and ice after it had fallen and concealed the cracked, broken, and uneven parking surface; and/or the failure to warn of or prevent access to the cracked, broken, and uneven parking surface was/were the direct and proximate cause of Plaintiff's serious physical injuries, including a broken right ankle.

12. On the date stated above, the Defendants, by and through their agents, servants, and employees breached the aforesaid duty of care owed to Plaintiff in one or more of the following ways:

- a. Negligently and carelessly failed to treat the snow and ice present on the parking lot within a reasonable time;
- b. Negligently and carelessly failed to repair broken and uneven concrete present on the parking lot;
- c. Negligently and carelessly failed to warn of the dangerous conditions present on the parking lot;
- d. Negligently and carelessly failed to adequately inspect the parking lot for dangers;
- e. Negligently and carelessly failed to use ordinary care to remedy the dangerous conditions;

- f. Negligently and carelessly failed to prevent access to the unreasonably dangerous area of the parking lot where Plaintiff fell.

13. As a direct and proximate result of the foregoing negligent acts and omissions of the Defendants, Plaintiff was caused to suffer and did suffer from serious and permanent injuries in the following respects: Plaintiff suffered injuries to her hip, ankle, back, and joints, all such injuries being permanent, progressive and painful; Plaintiff suffered, does suffer, and will in the future continue to suffer such pain of body and anguish of mind; Plaintiff's injuries are serious, permanent, disabling, and painful; and the function, use and movement of the aforementioned parts of Plaintiff's body are and in the future will be impaired and diminished, and Plaintiff will likely incur medical expense in the future for treatment for said conditions.

WHEREFORE, Plaintiff Rosemarie Waddy prays that judgment be entered against Defendants Family Video and Keith Hoogland Limited Partnership, in a fair and reasonable amount in excess of Fifty Thousand Dollars (\$50,000.00) plus costs, prejudgment interest, and such other relief as the Court deems just and proper.

BROWN & CROUPPEN, P.C.

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